IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 2219 of 2007(L)

PETITIONER:
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1. SALOMA PHILIP, AGED 62 YEARS,
W/O.LATE P.A. PHILIP, SALPHI COTTAGE,
STARCH JUNCTION, VELLIMON P.O.,
KUNDARA, KOLLAM.

2. DR.ROSY PHILIP, AGED 41 YEARS,
W/O.DR.FELIX SHULTON, SALPHI COTTAGE,
STARCH JUNCTION, VELLIMON P.O.,
KUNDARA, KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR
SRI.K.P.SUJESHKUMAR

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR, KOLLAM.

3. TAHSILDAR (REVESNUE RECOVERY)
KOLLAM.

4. SALES TAX OFFICER, KUNDARA,
KOLLAM.

BY GOVT.PLEADER SRI.MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.2219/2007

APPENDIX

PETITIONERS EXHIBITS;

EXT.P1. COPY OF SETTLEMENT DEED NO. 2648 OF 1988 OIF KUNDARA SRO, DATE 18.8.1988

EXT.P2. COPY OF SETTLEMENT DEED NO.1346/2000 OF KUNDARA SRO dt.14.3.2000

EXT.P3. COPY OF THE NOTICE ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER DT.31.5.2006.

EXT.P4. COPY OF THE CLAIM PREFERRED BY THE PETITIONER BEFORE THE SECOND RESPONDCENT DT24.6.2006

//TRUE COPY//

PGR

K.BALAKRISHNAN NAIR, J.

WP(C).No.2219 of 2007-L

Dated this the 19th day of February, 2007.

JUDGMENT

The petitioners are aggrieved by Ext.P3 revenue recovery notice issued on them. They have filed Ext.P4 objection before the District Collector, Kollam against the said notice under Section 46 of the Kerala Revenue Recovery Act. Thereafter, this writ petition is filed praying for a direction to the second respondent to consider and pass orders on Ext.P4 and also praying to keep in abeyance further proceedings pursuant to Ext.P3, till a decision is taken on Ext.P4.

2. The learned Government Pleader, upon instruction, submitted that Ext.P4 is received and pending and it is being processed.

3. The writ petition is disposed of directing the second respondent to consider and pass orders on Ext.P4, within one month from the date of production of a copy of this judgment. If the petitioners produce a copy of this judgment before the second respondent within one month from today, further proceedings pursuant to Ext.P3 will be kept in abeyance, till Ext.P4 is disposed of after affording an opportunity of being heard to the petitioners, by the second respondent.

K.BALAKRISHNAN NAIR,
JUDGE.

MS